

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EBI FOOD SAFETY B.V.,

Plaintiff,

v.

JOHN J. DOLL, Honorable Acting Under
Secretary of Commerce for Intellectual
Property and Director of the United States
Patent & Trademark Office,

Defendant.

Civil Action No. 9-726 (CKK)

ORDER
(March 13, 2010)

Upon consideration of the record in the above-captioned case and the Defendant's [12] Consent Motion to Lift Stay and Remand Case, it is, this 13th day of March, 2010, hereby

ORDERED that the Defendant's [12] Consent Motion to Lift Stay and Remand Case **GRANTED-IN-PART** and **DENIED-IN-PART**; it is further

ORDERED that the stay in this case is lifted; it is further

ORDERED that Plaintiff's existing patent-term calculation is hereby **VACATED**; it is further

ORDERED that this matter is **REMANDED** to the United States Patent and Trademark Office for: (i) recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in *Wyeth & Elan Pharma Int'l Ltd. v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010), and consistent with the United States Patent and Trademark's published interim procedure for such calculations; and (ii) recalculation of the period of applicant delay; and it is further

ORDERED that this case is **DISMISSED**.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge